

Appl. No. 09/921,365
Amdt. dated Aug. 11, 2003
Reply to Office action of February 13, 2003

REMARKS/ARGUMENTS

Applicant is submitting herewith a Transmittal Letter which includes a calculation for the fee required for claims added herein, which were not previously paid.

In addition, applicant submits herewith a check to cover the above-noted calculated fee.

Further, applicant is filing on even date herewith a petition to extend to August 13, 2003, the time for filing a response to the Office action of February 13, 2003.

Applicant has amended Figs. 11, 12 and 13 of the drawings. Two replacement sheets are attached hereto with the amendments included.

In particular, in replacement Fig. 11, the location of the ambu bag 40 has been rearranged, and the numbering of the adapter 32 has been relocated to accurately number the elements of the adapter in accordance with the numbering of the adapter in Fig. 10.

In the originally filed drawings, the illustration of Fig. 10 was mistakenly also placed in the location intended for Fig. 12. Consequently, Figs. 10 and 12 of the original drawings are identical. However, the portion of the specification which begins on page 7, line 19, and continues through page 8, line 7, accurately describes the features which applicant intended for illustration in Fig. 12.

In the attached second replacement sheet, replacement Fig. 12 has replaced the originally filed Fig. 12, whereby the illustration of replacement Fig. 12 is consistent with the original description in the specification, as noted above. Applicant submits that, in view of the above-noted description of the originally filed specification, the submittal of replacement Fig. 12 does not constitute new matter.

In replacement Fig. 13, the location of the ambu bag 40 has been rearranged, and the numbering of the adapter 32 has been relocated to accurately number the elements of the adapter in accordance with the numbering of the adapter in Fig. 10. In addition, numeral "48" was added, and is consistent with the originally filed specification. Further, protrusions 44 were added to the exterior surface of the face piece 10, and are consistent with the above-noted portion of the originally filed specification, and with the illustration of replacement Fig. 12.

Appl. No. 09/921,365
Amdt. dated Aug. 11, 2003
Reply to Office action of February 13, 2003

In the above-noted Office action, the Examiner has rejected claims 10 through 15 under 35 U.S.C. § 101, indicating that claims 10 and 11 positively recite elements of the device connected to parts of the patient's body. Applicant has amended claims 10 and 11 such that claims 10 and 11 no longer positively recite elements of the face mask being connected to parts of the patient's body.

In view of these amendments, applicant requests that the rejection under 35 U.S.C. § 101 be withdrawn.

Claims 1 through 9, 16, 17 and 18 have been rejected under 35 U.S.C. § 112, first paragraph, because claims 1 and 16 state that the adapter is attached to the first ends of the oral and nasal tubes, where such ends were previously claimed as being the ends which extend into the patient. Applicant has amended claims 1 and 16 to correct these discrepancies.

In view of these amendments, applicant requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claims 16, 17 and 18 have been rejected under 35 U.S.C. § 112, second paragraph, because certain elements in claim 16 lack antecedent basis. Claim 16 has been further amended to correct these discrepancies.

In view of these amendments, applicant requests that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicant submits that, in view of the above-noted amendments to the claims, claims 1 through 18 are now in allowable form, and hereby requests allowance thereof.

In addition, applicant has added new claims 19 through 35. In particular, claim 19 covers the face piece in combination with the adapter. Claims 20 through 30 cover various combinations of the face piece and the protrusions and strap, and/or the chin portion, and/or the means formed on the face piece for receiving at least one finger of a person to assist in holding the face piece on the face of the patient. Claims 31 through 35 cover the features set forth in claim 10 in combination with various combinations of the protrusions and strap, and/or the chin portion, and/or the means formed on the face piece for receiving at least one finger of a person to assist in holding the face piece on the face of the patient.

Applicant submits that new claims 19 through 35 are allowable, and hereby requests such allowance.

Appl. No. 09/921,365
Amdt. dated Aug. 11, 2003
Reply to Office action of February 13, 2003

Applicant submits that this application is now in condition for allowance, and hereby solicits such allowance.

If the Examiner wishes to discuss this response paper, or any aspects of this application, the Examiner should call applicant's representative, J. Bruce Hoofnagle, at 410 442-2417.

Respectfully submitted,

J.Bruce Hoofnagle

J. Bruce Hoofnagle
Reg. No. 20,973
Attorney for Applicant

August 11, 2003

J. Bruce Hoofnagle - TW199
P.O. Box 370
Lisbon, MD 21765-0370

enc.

0020us.amd